



Matthew L. Schwartz
Tel.: (212) 303-3646
E-mail: mlschwartz@bsflp.com

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BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Suite 1950
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,
Case No. 15 Civ. 5345 (AJN) (KHP)**

Dear Judge Parker:

We represent the City of Almaty, Kazakhstan and BTA Bank (“the Kazakh Entities”), and write pursuant to the discussion at the September 14, 2018 status conference regarding Mukhtar Ablyazov’s deposition.

Attached to this letter is a proposed order continuing Mr. Ablyazov’s deposition from its currently scheduled date, September 20, 2018. The proposed order requires the Kazakh Entities to submit an amended Hague Request to Judge Nathan and requires Mr. Ablyazov to sit for a deposition between October 12, 2018 and October 31, 2018.

Triadou objects to the inclusion of the final clause in the attached proposed order stating “It is further ORDERED that if Defendant Ablyazov is not deposed in France by October 31, 2018, for any reason, Defendant Ablyazov shall appear for a deposition in the United States or United Kingdom no later than November 16, 2018.” Triadou objects to this clause because (a) it did not understand the Court to reach that conclusion or issue such an order at the parties’ September 14, 2018 conference; and (b) the language “for any reason” ignores the potential for logistical delays. Triadou notes that it does not take a position if Almaty/BTA ultimately request such relief—it simply objects to the inclusion in an Order where the Court did not make that order at the case management conference

The Kazakh Entities take the position that this provision simply mirrors that in the Court’s previous order of August 10, 2018 requiring Ablyazov to be deposed in France by a fixed date or to travel to New York or London for his deposition [ECF No. 813], and the Court’s denial of Ablyazov’s motion to reconsider that same order. [ECF No. 816]. Including a similar provision here is appropriate for the same reasons of expediency and fairness underlying the Court’s prior Orders. The defendants have repeatedly objected to any further extension of discovery, and an order compelling Ablyazov to travel for his deposition if it cannot be completed in France by October 31st ensures that his testimony will be taken promptly so that this action can continue to move toward trial without delay.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz